



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

June 26, 2012

BRADLEY SCOTT KNIPPA, TREASURER  
TED CRUZ FOR SENATE  
815 A BRAZOS PMB 550  
AUSTIN, TX 78701

**Response Due Date**  
**07/31/2012**

IDENTIFICATION NUMBER: C00492785

REFERENCE: APRIL QUARTERLY REPORT (01/01/2012 - 03/31/2012)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Senate Public Records Office by the response date noted above. Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 3 item(s):

1. Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached). The Commission notes your additional explanation regarding the committee's corrective action taken for some of these contributions.

An individual or a political committee other than an authorized committee or a qualified multi-candidate committee may not make a contribution(s) to a candidate for federal office in excess of \$2,500 per election. An authorized committee may not make a contribution(s) to a candidate for federal office in excess of \$2,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. § 441a(a) and (f); 11 CFR §§ 110.1(b), (e) and (k), and 102.13(c))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with clarifying information.

Please be reminded that all refunds, redesignations and reattributions must be

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made within 60 days of receipt of the contribution. To date, one or more of the apparent excessive contributions have not been refunded, redesignated, or reattributed.

For reattributions, the funds can be retained if, within 60 days of receipt, the excessive amount was properly reattributed to another person. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor; or (2) the committee reattributes by presumption the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor who signed the check an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if, within 60 days of receipt, the excessive amount was properly designated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election; or (2) the committee redesignates by presumption the excessive portion of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) A contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt, the excessive amount must be refunded. (11 CFR § 103.3(b)(1))

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/ or letters reattributing or redesignating the contributions in

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question. Refunds are reported on Line 20(a), (b), or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR § 104.8(d)(2), (3) and (4))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund or redesignate and/or reattribute the excessive amount will be taken into consideration.

**2.** Your report fails to provide proper election designations for contributions disclosed on Schedule A supporting Line(s) 11(a)(i) and 11(c). Authorized committees should indicate the election for which the contribution was designated. If no election is designated, the contribution is applied to the next election for the federal office the candidate is seeking after the contribution date. Please be advised that incorrect election designations may result in excessive or impermissible contributions. Please amend your report to clarify election designations "O, 2012." (11 CFR §§ 110.1(b) and 110.2(b))

**3.** Schedule A of your report discloses one or more contributions from an organization(s), which is not a political committee registered with the Commission (see attached). In order for your committee to accept contributions from unregistered organizations, your committee should take steps to ensure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 2 U.S.C. §§441a(f) and 441b or 11 CFR §102.5(b). Under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: (1) establish a separate account which contains only those funds permitted under the Act, or (2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within 30 days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

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If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(b) of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, your prompt action to refund the prohibited amount will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-0322 for instructions on how and where to file an amendment. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1166.

Sincerely,

A handwritten signature in black ink that reads "Bradley Matheson". The signature is written in a cursive, flowing style.

Bradley Matheson  
Senior Campaign Finance Analyst  
Reports Analysis Division

**Excessive, Prohibited, and Impermissible Contributions  
Ted Cruz for Senate (C00492785)****Excessive Contributions from Individuals**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Election</b>
Bayouth, David William	3/28/12	\$5,000.00	O, 2012
Beneke, Jane C.	6/30/11	\$1,000.00	P, 2012
Beneke, Jane	11/3/11	\$600.00	P, 2012
Beneke, Jane	3/7/12	\$1,500.00	P, 2012
Beneke, Jane	3/12/12	-\$600.00	P, 2012
Beneke, Jane	3/30/12	\$500.00	P, 2012
Cheever, Charles Jr.	5/27/11	\$2,500.00	P, 2012
Cheever, Charles E., Jr.	9/9/11	\$1,000.00	P, 2012
Cheever, Charles E., Jr.	10/19/11	\$1,500.00	P, 2012
Cheever, Charles E., Jr.	2/10/12	\$1,000.00	P, 2012
Cheever, Charles E., Jr.	3/8/12	-\$1,500.00	P, 2012
Cheever, Charles E., Jr.	3/12/12	-\$1,000.00	P, 2012
Larrey, Richard M.	7/14/11	\$1,000.00	P, 2012
Larrey, Richard M.	9/30/11	\$2,000.00	P, 2012
Larrey, Richard M.	9/30/11	-\$500.00	P, 2012
Larrey, Richard M.	12/16/11	\$1,000.00	P, 2012
Larrey, Richard M.	12/16/11	-\$1,000.00	P, 2012
Larrey, Richard M.	2/24/12	\$2,500.00	P, 2012
Muhlenkamp, Ronald H.	3/30/12	\$5,000.00	O, 2012
Murphree, Terence H.	3/30/12	\$5,000.00	O, 2012
Ofstie, Harold	3/31/12	\$3,000.00	O, 2012
Rickli, Kenneth	12/15/11	\$2,500.00	P, 2012
Rickli, Kenneth	3/26/12	\$250.00	P, 2012
Rose, Sheldon	6/30/11	\$1,000.00	P, 2012
Rose, Sheldon	11/18/11	\$1,000.00	P, 2012
Rose, Sheldon	12/28/11	\$1,000.00	P, 2012
Rose, Sheldon	1/30/12	-\$500.00	P, 2012
Rose, Sheldon	1/31/12	\$2,000.00	P, 2012
Rose, Sheldon	3/9/12	\$1,000.00	P, 2012
Rose, Sheldon	3/12/12	-\$2,000.00	P, 2012

**Excessive, Prohibited, and Impermissible Contributions  
Ted Cruz for Senate (C00492785)**

Contributor Name	Date	Amount	Election
Templeton, Josephine Pina	1/12/12	\$2,500.00	P, 2012
Templeton, Josephine Pina	3/26/12	\$5,000.00	P, 2012
Templeton, Josephine Pina	3/30/12	-\$2,500.00	P, 2012
Tomerlin, Martin	10/14/11	\$1,000.00	P, 2012
Tomerlin, Martin	11/14/11	\$1,000.00	P, 2012
Tomerlin, Martin	12/14/11	\$1,000.00	P, 2012
Tomerlin, Martin	12/14/11	-\$500.00	P, 2012
Tomerlin, Martin	1/14/12	\$1,000.00	P, 2012
Tomerlin, Martin	2/14/12	\$1,000.00	P, 2012
Tomerlin, Martin	3/12/12	-\$1,000.00	P, 2012
Tomerlin, Martin	3/12/12	-\$1,000.00	P, 2012
Tomerlin, Martin	3/14/12	\$1,000.00	P, 2012
Weiss, Stephen	3/31/12	\$5,000.00	O, 2012

**Contributions from Unregistered Organizations**

Contributor Name	Date	Amount	Election
Bee County Republican Party	1/12/12	\$990.00	P, 2012
Friends Of Mark C. Curran Jr.	3/2/12	\$150.00	P, 2012
Madison Majority Project PAC	2/17/12	\$2,500.00	P, 2012